

To: Sisk, Richard[Sisk.Richard@epa.gov]
From: David A. Cook
Sent: Thur 10/22/2015 9:33:52 PM
Subject: RE: SMPA EASEMENTS

.....
>>>>>

I will get back to you tomorrow am.

David A. Cook
David A. Cook, P.C.
6 S Tejon St Ste 400
Colorado Springs, CO 80903
(719) 634-6736

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From: Sisk, Richard [mailto:Sisk.Richard@epa.gov]
Sent: Thursday, October 22, 2015 12:50 PM
To: David A. Cook (lawbydave@gmail.com)
Cc: Way, Steven; Rudy, Michael
Subject: FW: SMPA EASEMENTS

Dave – EPA heard back from San Miguel Power (SMPA). They are unwilling to accept the easement as edited by Mr. Hennis, see comments below. SMPA has sent a redraft, see above, that they would be willing to accept. Please let us know if your client is willing to sign this redrafted easement.

In regards to the warranty of title issue, is there some way that EPA could help with this issue using some of the title documents pulled for EPA's PRP search report?

The concerns number 2 & 3 below arose from the adjoining properties draft easement.

I realize this is awkward trying to negotiate an easement this way. Please let me know how EPA can assist.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
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Denver, CO 80202-1129

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Begin forwarded message:

From: "Matt Francis" <m.francis@erllc.com>
To: "Way, Steven" <way.steven@epa.gov>, "Guy, Kerry" <Guy.Kerry@epa.gov>
Subject: Fwd: SMPA EASEMENTS

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Jeremy Fox <jeremy@smpa.com>
Date: 10/21/2015 9:56 AM (GMT-06:00)
To: Matt Francis <m.francis@erllc.com>
Cc: Duane DeVeny <Duane@smpa.com>
Subject: SMPA EASEMENTS

Mr. Francis,

Duane forwarded the easement documents that you sent to him regarding a project for the Gold King Mine and a proposed primary power extension. While we are amenable to small wording changes if approved, SMPA cannot agree to the proposed changes to our standard underground easement. I have several concerns addressed below...

- 1 SMPA requires that the Grantor(s) warrant title to the easement area. Depending on the nature of the prior encumbrances, this warranty may be subject to those matters.
- 2 There is no Grantor listed for the LCM Mill Site on the second attachment.
3. SMPA will not agree to the addendum wording. You will be responsible for contacting SMPA upon any type of termination requests of an existing easement. Relinquishment of an existing easement must be board approved.

I have consulted with our legal counsel and attached new drafts that SMPA is willing to accept. Please have these attachments signed and notarized. SMPA will file the attached exhibit with both easements. I understand the project is under stress to move forward and

hope this is not a major set-back, however we must have the proper easements in place before installing SMPA facilities.

Thank You,

Jeremy Fox
Service Planning Supervisor

[SMPA Logo 4Color Sml]

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***** ATTACHMENT REMOVED

Attachment name: [image001.jpg]
Attachment type: [image/jpeg]